

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:
Michael Eugene COLUZZI et al.

Application No.: 10/814,649

Filed: April 1, 2004

Attorney Docket No. 46417.001024

Art Unit: 3662

Examiner: Unassigned

Confirmation No. 5993

For: METHOD AND SYSTEM FOR DETERMINING THE POSITION OF AN OBJECT

RESPONSE TO PTO COMMUNICATION MAILED SEPTEMBER 9, 2004 (PTOL-456)

ATTN: LICENSING AND REVIEW
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 20 2004
LICENSING & REVIEW

Sir:

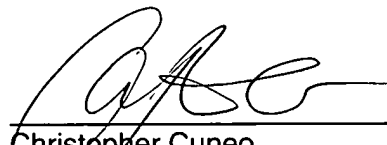
Responsive to the attached U.S. Patent and Trademark Office's communication mailed September 9, 2004 (copy enclosed), Applicants submit herewith executed Declarations Under 37 C.F.R. §1.68 for filing in the cited patent application.

No fee is believed necessary in connection with this submission. However, if it is determined otherwise, the U.S. Patent and Trademark Office is hereby authorized to charge the required fee or credit any overpayment to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:


Christopher Cuneo
Registration No. 42,450

HUNTON & WILLIAMS LLP
1900 K Street, N.W., Suite 1200
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(202) 955-1500 (Telephone)
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Dated: October 19, 2004



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/814,649	04/01/2004	Michael Eugene Coluzzi	46417.001024

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

DOCKETED: 9-16-04
DUE DATE: 10-24-04
DEADLINE: 10-24-04
ATTORNEYS: JH
INITIALS: JH

EXAMINER	
ART UNIT	PAPER NUMBER

PATENT & TRADEMARK OFFICE
DATE MAILED: MAILED

SEP - 9 2004

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

LICENSING & REVIEW

The subject matter of this application appears to:

☐ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☒ have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 305-1191

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

DOCKETED

DECLARATION UNDER 37 C.F.R. §1.68

We, Michael Eugene **COLUZZI**, citizen of the United States of America, residing at 177 S. Westgate Avenue, Los Angeles, CA 90049; and Sung Phill **KANG**, citizen of the United States of America, residing at 15018 Ocaso Avenue, La Mirada, CA 9063, declare:

that we made and conceived the invention described and claimed in U.S. Patent Application Serial No. 10/814,649, filed in the United States of America on April 1, 2004 titled:

"METHOD AND SYSTEM FOR DETERMINING THE POSITION OF AN OBJECT"

We made and conceived this invention while employed by ITT Manufacturing Enterprises, Inc. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties. That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of ITT Manufacturing Enterprises, Inc. Other relevant facts are as follows:

That to the best of our knowledge and belief and/or based upon information provided by
of

That to the best of our knowledge and belief:

☒ The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

--AND/OR--

☒ The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

We, the undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature

Michael E Coluzzi

Date

5 October 2004

Given Name

(first and middle (if any))

Michael Eugene

Family Name

or Surname

COLUZZI

Citizenship:

U.S.A.

Residence:

177 S. Westgate Avenue, Los Angeles, CA 90049

Mailing Address:

177 S. Westgate Avenue, Los Angeles, CA 90049

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name

(first and middle (if any))

Sung Phill

Family Name

or Surname

KANG

Citizenship:

U.S.A.

Residence:

15018 Ocaso Avenue, La Mirada, CA 90638

Mailing Address:

15018 Ocaso Avenue, La Mirada, CA 90638

DECLARATION UNDER 37 C.F.R. §1.68

We, Michael Eugene **COLUZZI**, citizen of the United States of America, residing at 177 S. Westgate Avenue, Los Angeles, CA 90049; and Sung Phill **KANG**, citizen of the United States of America, residing at 15018 Ocaso Avenue, La Mirada, CA 9063, declare:

that we made and conceived the invention described and claimed in U.S. Patent Application Serial No. 10/814,649, filed in the United States of America on April 1, 2004 titled: OCT 20 2004

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We made and conceived this invention while employed by ITT Manufacturing Enterprises, Inc. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties. That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of ITT Manufacturing Enterprises, Inc. Other relevant facts are as follows:

That to the best of our knowledge and belief and/or based upon information provided by _____ of _____:

That to the best of our knowledge and belief:

☒ The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☒ The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

We, the undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

NAME OF SOLE OR FIRST
INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Michael Eugene** Family Name or Surname **COLUZZI**

Citizenship: **U.S.A.**

Residence: **177 S. Westgate Avenue, Los Angeles, CA 90049**

Mailing Address: **177 S. Westgate Avenue, Los Angeles, CA 90049**

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature *Sung Phill Kang* Date 10-2-04

Given Name (first and middle (if any)) **Sung Phill** Family Name or Surname **KANG**

Citizenship: **U.S.A.**

Residence: **15018 Ocaso Avenue, La Mirada, CA 90638**

Mailing Address: **15018 Ocaso Avenue, La Mirada, CA 90638**